

Modern Landfill  
R.D. #9  
York, Pennsylvania 17402  
717/246-2686  
Fax #244-5588



A Waste Management Company

115270

May 10, 1991

Carrie Deitzel  
Community Relations Coordinator  
USEPA Region III  
841 Chestnut Building (3EA21)  
Philadelphia, PA 19107

Anthony T. Dappolone  
Remedial Project Manager  
USEPA Region III  
841 Chestnut Building  
(3HW23)  
Philadelphia, PA 19107

RE: Proposed Plan for Remediating the Modern  
Landfill Site Published on April 16, 1991

Dear Ms. Deitzel and Mr. Dappolone:

Modern Trash Removal of York, Inc. ("Modern") hereby requests an extension of the public comment period of thirty (30) days, until June 14, 1991. An extension is appropriate given the status of the Feasibility Study and the technical complexity of the proposed plan.

Most importantly, since the FS is not yet final, the public has not had an opportunity to comment on the proposed plan in light of the FS. The FS will be final within a few days. Extending the public comment period would allow for comment in light of all relevant documents, including the FS.

The National Contingency Plan (the "NCP") provides for liberal granting of extension of the public comment period, especially in this case. The NCP states that the public must be afforded:

... A reasonable opportunity, not less than 30 calendar days, for submission of written and oral comments on the proposed plan and the supporting analysis and information located in the information repository, including the RI/FS. Upon timely request, the lead agency will extend the public comment period by a minimum of 30 additional days...

40 C.F.R. 300.430(f)(3)(i)(c).

In the responses by the United States Environmental Protection Agency ("EPA") to comments submitted to the NCP as it was proposed, EPA stated:

There is no question that the public comment period should be long enough to allow sufficient review of the proposed plan and key documents in the administrative record file, and should take into account the length and complexity of the information under review at such time... [Requests to extend the period] have been typically granted.

AR 303880



A Waste Management Company

55 Fed. Reg. 8770 (March 8, 1990). As set forth above, the NCP clearly contemplates that the public be given the opportunity to comment on the proposed plan after having the opportunity to review the final FS.

Further, Modern currently is in the process of studying the feasibility of achieving the remedial goals and the cost implications of the remedial goals set forth in the proposed plan issued by EPA on April 16, 1991. Modern's consultant has now determined that, despite best efforts to meet the original schedule, the complexity of the issues presented requires that it have additional time to conduct the appropriate studies to comment meaningfully on EPA's proposed plan. In particular, Modern needs additional time to investigate and analyze, and then comment on, the feasibility and possibility of attaining specified background levels by the remedial action proposed. The additional time requested is necessary to afford Modern the "reasonable opportunity" to comment which the NCP contemplates. There is no emergency involved that would mitigate against extending the comment period. See 55 Fed. Reg. 3770 (March 8, 1990). Particularly, in light of the fact that the remediation measures are substantially implemented.

We would appreciate your earliest advice concerning this request in order that we may timely file comments in any event.

Sincerely yours,

Matthew D. Neely, P.E.  
Manager Environmental Engineering

cc: Ken Thornton (PADER)  
Lisa Comer (PADER)

AR303881